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Attorney for Jesus Mejia-Torres

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA.

Plaintiff,

V.

JESUS MEJIA-TORRES.

Defendant.

Case No. 2:18-cr-00031-APG-GWF

**STIPULATION TO CONTINUE
MOTION DEADLINES**

(Second Request)

ORDER

IT IS HEREBY STIPULATED AND AGREED, by and between Dayle Elieson, United States Attorney, and Kimberly M. Frayn, Assistant United States Attorney, counsel for the United States of America, and Rene L. Valladares, Federal Public Defender, and Brian Pugh, Assistant Federal Public Defender, counsel for Jesus Mejia-Torres, to continue motion deadlines for thirty (30) days.

IT IS STIPULATED AND AGREED, that the parties herein shall have to and including May 2, 2018, to file any and all pretrial motions and notices of defense.

IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they shall have to and including May 16, 2018, to file any and all responsive pleadings.

IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they shall have to and including May 23, 2018, to file any and all replies to dispositive motions.

1 The Stipulation is entered into for the following reasons:

2 1. Counsel for the defendant needs additional time to conduct investigation in this
3 case in order to determine whether there are any pretrial issues that must be litigated and
4 whether the case will ultimately go to trial or will be resolved through negotiations.

5 2. The defendant is incarcerated and does not object to the continuance.

6 3. The parties agree to the continuance.

7 4. The additional time requested herein is not sought for purposes of delay, but
8 merely to allow counsel for defendant sufficient time within which to be able to effectively and
9 complete investigation of the discovery materials provided.

10 5. Additionally, denial of this request for continuance could result in a miscarriage
11 of justice. The additional time requested by this Stipulation is excludable in computing the time
12 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
13 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,
14 Section 3161(h)(7)(B)(i), (iv).

15 This is the second stipulation to continue filed herein.

16 DATED this 5th day of April, 2018.

17 RENE L. VALLADARES
18 Federal Public Defender

DAYLE ELIESON
United States Attorney

19 */s/ Brian Pugh*
20 By _____
21 BRIAN PUGH
22 Assistant Federal Public Defender

23 */s/ Kimberly M. Frayn*
24 By _____
25 KIMBERLY M. FRAYN
26 Assistant United States Attorney

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,
Plaintiff,
v.
JESUS MEJIA-TORRES,
Defendant.

Case No. 2:18-cr-00031-APG-GWF

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Counsel for the defendant needs additional time to conduct investigation in this case in order to determine whether there are any pretrial issues that must be litigated and whether the case will ultimately go to trial or will be resolved through negotiations.

2. The defendant is incarcerated and does not object to the continuance.

3. The parties agree to the continuance.

4. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for defendant sufficient time within which to be able to effectively and complete investigation of the discovery materials provided.

5. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i), (iv).

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excusable under the Speedy Trial Act, Title 18, United States Code, Section § 3161 (h)(7)(A), when the considering the factors under Title 18, United States Code, § 3161(h)(7)(B)(i), (iv).

ORDER

IT IS THEREFORE ORDERED that the parties herein shall have to and including May 2, 2018 to file any and all pretrial motions and notice of defense.

IT IS FURTHER ORDERED that the parties shall have to and including May 16, 2018 to file any all responses.

IT IS FURTHER ORDERED that the parties shall have to and including May 23, 2018 to file any and all replies.

Dated: April 5, 2018.

UNITED STATES DISTRICT JUDGE